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Attorney Docket:
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FROM: William M. Lee, Jr.

TO: Examiner: Frank Duong
Art Unit: 2666
The United States Patent and Trademark Office

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Attached: Response To Final Office Action Of April 21, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Christopher Michael Purse
SERIAL NO : 09/276,080
FILED : March 25, 1999
FOR : Method and Apparatus for
Communicating Information
EXAMINER : Frank Duong
GROUP ART UNIT : 2666
CUSTOMER NUMBER : 23644

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identified examiner at the United States Patent and Trademark Office (703)
872-9315 on June 21, 2004.

Name of person signing Jennifer J. Ramirez
Signature 

RESPONSE TO FINAL OFFICE ACTION MAILED 21 APRIL 2004

Honorable Director of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir,

In response to the office action of April 21, 2004, no amendments are being made, but reconsideration is requested.

The Examiner maintains the rejection of claim 10 as he disagrees with the argument that Martin ('038) does not show inserting into the trib signals the messaging information from the received supercarrier, "required to recreate the

supercarrier signal from the trib signals after transmission". The Examiner does not explain why he disagrees other than to refer to lines 29-35 onwards of col 4. This passage explains the layout and some of the content of the transport overhead TOH, but does not indicate or imply which parts would be required to recreate a supercarrier, nor does it suggest extracting and inserting these in the tribs.

Although the Examiner has not explained his reasoning, if he considers that the disclosure of any single item of messaging overhead which could be passed through the demultiplexer is sufficient to meet the claim, it is submitted this is not justified. The claim refers to the "messaging information required to recreate the supercarrier signal from the trib signals..." This does not mean "any part" of messaging required, it means "all" the messaging which is required to enable the supercarrier to be recreated. The word "recreate" would not be fulfilled if the claim meant "any part" since only if all essential parts of the messaging of the original supercarrier are present can the supercarrier be "recreated".

The Examiner presumably agrees that Martin does not show inserting messaging into the tribs sufficient to "recreate the supercarrier". This is in any case confirmed by Table 2 at col 9 which explicitly shows that 8 parts of the TOH are terminated by the demultiplexer. So there is no possibility of recreating the supercarrier, and hence there is no possibility of the demultiplexer of Martin showing the claim feature of inserting the messaging information "required to recreate the supercarrier".

Even if the Examiner argues that Martin does show inserting "a part" of the messaging from the supercarrier into the tribs, the claim does not encompass this, since it is not sufficient to enable the supercarrier to be recreated. To make the claim overlap with the disclosure of Martin seems to mean interpreting the claim phrase "recreate the supercarrier" as encompassing incorrect or incomplete recreation from

the tribs. This is not recreation at all, it makes no technical sense, and would be inconsistent with the specification. Hence such an interpretation cannot be justified.

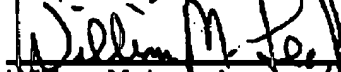
The Examiner goes on to say that these claims do not specify explicitly some of the language used in the arguments. This point seems moot now, since the arguments set out above do not rely on any language not in the claims.

Next, on page 14, the Examiner disagrees with the arguments concerning combining Martin and Martin 2. The Examiner appears to believe that simply putting the TMUX of Martin into a ring network arrives at the claimed invention. However, as explained above, the TMUX clearly is not able to recreate the supercarrier. This is because some of the supercarrier messaging is terminated, as shown in table 2 of Martin. So even if the TMUX is coupled in a ring, it cannot achieve the function claimed, of "maintaining said first protocol" (claim 1 and 5) or inserting messaging information "to recreate the supercarrier signal (claims 20 and 21). As in the above argument, it is not disputed that Martin shows passing through some messaging information but the claims cannot be interpreted as encompassing this, as it would not be sufficient to recreate or maintain the first protocol or recreate the supercarrier signal.

The other claims have corresponding features and are allowable for the same reasons. All of the points raised by the examiner have now been dealt with and favorable reconsideration is requested.

June 21, 2004

Respectfully submitted



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